

16384. Misbranding of Bu-Ku-Jin elixir. U. S. v. 81 Cartons of Bu-Ku-Jin Elixir. Decree of condemnation entered. Ordered that product might be released under bond. (F. & D. No. 22789. I. S. No. 22155-x. S. No. 775.)

On May 2, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 81 cartons of Bu-Ku-Jin Elixir, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Tonkin Distributing Co., from San Francisco, Calif., and transported from the State of California into the State of Washington, arriving at Seattle on or about March 29, 1928, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of alcohol, sugar, and water with traces of flavoring oils and extractives from plant drugs including buchu.

It was alleged in the libel that the article was misbranded in that the following statements, borne on the labels, (bottle label) "An effective diuretic in kidney and bladder disorders," (display card) "The doctor says, 'In kidney and bladder disorders I recommend Bu-Ku-Jin Elixir,' (shipping carton) "Bu-Ku-Jin Elixir for kidney and bladder disorders," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 25, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16385. Misbranding of Pneumatica. U. S. v. 9½ Dozen Packages of Pneumatica. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 23426. I. S. No. 03098. S. No. 1597.)

On or about February 26, 1929, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9½ dozen packages of Pneumatica, remaining in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by the Charles F. Polk Co., Troy, N. Y., on or about January 5, 1929, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum containing capsicum, methyl salicylate, phenol, camphor, and mydriatic alkaloids.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (tube) "Pneumatica (Pneumo-Gesic Balm) * * * Quick in Action, Certain in Results," (carton) "Pneumatica (Pneumo-Gesic Balm) * * * An external application for Pneumonia, Croup, Asthma, Bronchitis, Rheumatism, Neuritis, Lumbago, Sciatica, Pleurisy, * * * and all Other Forms of Internal Congestion, Inflammation, and Consolidation," (display carton) "Pneumatica * * * for Rheumatism * * * for Neuritis * * * for Lumbago * * * for Bronchitis * * * for Pneumonia * * * for Pleurisy," (circular) "Pneumonia * * * (Pneumo-Gesic Balm) * * * relieves pain and its record in the treatment of Pneumonia during the past twenty years is one of constant success * * * It displaces * * * any kind of external home or professional method for treating internal inflammation or congestion by external application, being more effective than most methods. It is a powerful skin and tissue stimulant, is quick in its action, thus relieving pain instantly and is certain in its results. * * * it has repeatedly proven itself one of the most effective combinations ever manufactured for the external treatment of pains and aches from Congestion, Consolidation, or Inflammation. * * * recommended for its instantaneous action * * * Especial attention of the physician is called to its great value in cases of Pneumonia. Pneumatica * * * is the most valuable first aid for all the complaints mentioned * * * quick action is desired, apply liberally and massage or rub it well into the skin. * * * Has been * * * used in the following complaints: Pneumonia—Apply to chest and back as directed by physician. Rheumatism, Neuralgia.

Neuritis, Lumbago, Sciatica, Pleuritic Pains, Peritoneal Pains, Chest or Tubercular Pains, Stiff Joints, Bronchitis, Deep Seated Colds, Sore Throat, Asthma, Sprains, Strains * * * Backache, Pleurisy, Stomach or Bowel Pains, Croup, Whooping Cough and Pains Suffered by Gassed Veterans of the Late War * * * Pneumatica seems to reach the seat of the trouble in a marvelously short space of time," were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof.

On April 9, 1929, by consent of the claimant, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16386. Misbranding of Good Samaritan ointment. U. S. v. 5¼ Dozen Packages of Good Samaritan Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23447. I. S. No. 03610. S. No. 1594.)

On February 25, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5¼ dozen packages of Good Samaritan ointment, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Good Samaritan Ointment Co., from Philadelphia, Pa., on or about January 23, 1929, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a wax and fatty acid base containing methyl salicylate, lead carbonate, and oil of sassafras.

It was alleged in the libel that the article was misbranded in that the following statements regarding the said article (carton) "Good Samaritan Ointment, Truly Antiseptic," (circular) "Good Samaritan ointment is Germicidal—or Germ Killing—Absolutely Kills the Germs," were false and misleading.

Misbranding was alleged for the further reason that various statements, as follows, borne on the tin containers and cartons and in the accompanying circulars, relative to the curative and therapeutic effects of the said article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein: (Tin container) "Abscesses, Asthma, Backache, Bites, Boils, Bronchitis, * * * Carbuncles, * * * Diphtheria, Eczema, * * * Gathered Breasts, Hoarseness, Inflammation of the Bowels, Inflamed Wounds, * * * Milk to Dry while Nursing, Mumps, Neuralgia, Piles, Pneumonia, Proud Flesh, Quinsy, Rheumatism, Ring Worms, Sore Throat, * * * Salt Rheum, Tonsillitis, White Swellings, To Reduce all Swellings, Wounds from Nails, and to prevent Lockjaw. * * * Blood Poison * * * Croup * * * Ingrown Nails, Lumbago, Lamé Back * * * Pimples * * * Stiff Joints * * * Toothache;" (carton) "For Abscesses, Asthma, Backache, Boils, Bronchitis, * * * Carbuncles, * * * Diphtheria, Eczema, * * * Gathered Breasts, Hoarseness, * * * Inflammatory Rheumatism, Inflammation of the Bowels, Inflamed Wounds, Milk to Dry Up while Nursing, Mumps, Neuralgia, Pneumonia, Piles, Proud Flesh, Quinsy, Rheumatism, Ring Worms, * * * Swollen Tonsils, Tonsillitis, White Swellings, Sore Throat, to Reduce Swellings, Wounds from Nails, to Avoid Lockjaw, Wounds from Dog Bite or any Poisonous Insects, Etc. Spread thickness of a silver dollar on muslin and allow twenty-four to forty-eight hours for best results. * * * For Quinsy, Sore Throat, Tonsillitis, Mumps, Hoarseness, Scarlet Fever, spread one full box on muslin, apply next to skin and bandage with flannel and allow twenty-four to forty-